

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

United States of America,

v.

JOEL ZUBAID,

DAVID GORAN,

JULIAN REBIGA,

a/k/a “Julian Rebiga”, and

MARTIN MIZRAHI,

a/k/a “Marty Mizrahi”

Defendants.

Case No.:

1:22-cr-00650-JPO

**NOTICE OF
PRETRIAL MOTIONS**

PLEASE TAKE NOTICE that on September 19, 2023, the defendant, MARTIN MIZRAHI, a/k/a “Marty Mizrahi”, by and through his undersigned counsel will move under Rule 12(b) of the Federal Rules of Criminal Procedure, in the United States District Court for the Southern District of New York for orders:

- (1) Dismissing Count 6 of the Indictment because 18 U.S.C. § 1028A is unconstitutionally vague and Count 6 fails to state an offense;
- (2) Directing the government to provide further discovery in a manner that will enable its effective use at trial;
- (3) Directing the government to preserve the rough notes of its agents;
- (4) Directing the government to provide Rule 404(b) evidence in a manner that will enable its effective use at trial;
- (5) Directing the government to provide a bill of particulars;
- (6) Correcting the bond conditions documentation for Mr. Mizrahi;

(7) Granting the defense permission to make further motions in advance of trial.

WHEREFORE, Mr. Mizrahi respectfully requests the Court to grant the relief sought herein and such other and further relief that the Court deems just and proper.

**DATED: White Plains, New York
July 31, 2023**

Respectfully Submitted,

By: /s/ Richard A. Portale
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**TO: THE HONORABLE J. PAUL OETKEN
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
40 FOLEY SQUARE
NEW YORK, NY 10007**

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